

demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE II

G. Thomas Porteous, Jr., engaged in a longstanding pattern of corrupt conduct that demonstrates his unfitness to serve as a United States District Court Judge. That conduct included the following: Beginning in or about the late 1980s while he was a State court judge in the 24th Judicial District Court in the State of Louisiana, and continuing while he was a Federal judge in the United States District Court for the Eastern District of Louisiana, Judge Porteous engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, III, and his sister Lori Marcotte. As part of this corrupt relationship, Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. These official actions by Judge Porteous included, while on the State bench, setting, reducing, and splitting bonds as requested by the Marcottes, and improperly setting aside or expunging felony convictions for two Marcotte employees (in one case after Judge Porteous had been confirmed by the Senate but before being sworn in as a Federal judge). In addition, both while on the State bench and on the Federal bench, Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench.

Accordingly, Judge G. Thomas Porteous, Jr., has engaged in conduct so utterly lacking in honesty and integrity that he is guilty of high crimes and misdemeanors, is unfit to hold the office of Federal judge, and should be removed from office.

ARTICLE III

Beginning in or about March 2001 and continuing through about July 2004, while a Federal judge in the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., engaged in a pattern of conduct inconsistent with the trust and confidence placed in him as a Federal judge by knowingly and intentionally making material false statements and representations under penalty of perjury related to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case. Judge Porteous did so by—

(1) using a false name and a post office box address to conceal his identity as the debtor in the case;

(2) concealing assets;

(3) concealing preferential payments to certain creditors;

(4) concealing gambling losses and other gambling debts; and

(5) incurring new debts while the case was pending, in violation of the bankruptcy court's order.

In doing so, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for and confidence in the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE IV

In 1994, in connection with his nomination to be a judge of the United States District

Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge. These false statements included the following:

(1) On his Supplemental SF-86, Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that could cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered "no" to this question and signed the form under the warning that a false statement was punishable by law.

(2) During his background check, Judge Porteous falsely told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character, reputation, judgment, or discretion.

(3) On the Senate Judiciary Committee's "Questionnaire for Judicial Nominees", Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that, to the best of his knowledge, he did "not know of any unfavorable information that may affect [his] nomination". Judge Porteous signed that questionnaire by swearing that "the information provided in this statement is, to the best of my knowledge, true and accurate".

However, in truth and in fact, as Judge Porteous then well knew, each of these answers was materially false because Judge Porteous had engaged in a corrupt relationship with the law firm Amato & Creely, whereby Judge Porteous appointed Creely as a "curator" in hundreds of cases and thereafter requested and accepted from Amato & Creely a portion of the curatorship fees which had been paid to the firm and also had engaged in a corrupt relationship with Louis and Lori Marcotte, whereby Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench. Judge Porteous's failure to disclose these corrupt relationships deprived the United States Senate and the public of information that would have had a material impact on his confirmation.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Is there objection to the request of the gentleman from Michigan?

There was no objection.

CALL OF THE HOUSE

Mr. SENSENBRENNER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

Ackerman	Delahunt	Kingston
Aderholt	Dent	Kirk
Adler (NJ)	Diaz-Balart, M.	Kirkpatrick (AZ)
Akin	Dicks	Kissell
Alexander	Doggett	Klein (FL)
Altmire	Donnelly (IN)	Kline (MN)
Andrews	Doyle	Kosmas
Arcuri	Dreier	Kratovil
Austria	Driebeaus	Kucinich
Baca	Duncan	Lamborn
Bachmann	Edwards (MD)	Lance
Bachus	Edwards (TX)	Langevin
Baird	Ehlers	Larsen (WA)
Baldwin	Ellison	Latham
Barrett (SC)	Ellsworth	LaTourette
Barrow	Emerson	Latta
Bartlett	Eshoo	Lee (CA)
Barton (TX)	Etheridge	Lee (NY)
Bean	Fallin	Levin
Becerra	Farr	Lewis (CA)
Berkley	Fattah	Lewis (GA)
Berman	Filner	Linder
Berry	Flake	Lipinski
Biggert	Fleming	LoBiondo
Bilbray	Forbes	Loehsack
Bilirakis	Fortenberry	Lofgren, Zoe
Bishop (GA)	Foster	Lowe
Bishop (NY)	Fox	Lucas
Bishop (UT)	Franks (AZ)	Luetkemeyer
Blackburn	Frelinghuysen	Lujan
Blumenauer	Fudge	Lummis
Blunt	Gallagher	Lungren, Daniel
Boccheri	Garamendi	E.
Bonner	Garrett (NJ)	Lynch
Bono Mack	Gerlach	Mack
Boren	Giffords	Maffei
Boswell	Gingrey (GA)	Maloney
Boucher	Gohmert	Marchant
Boustany	Gonzalez	Markey (CO)
Boyd	Goodlatte	Markey (MA)
Brady (PA)	Gordon (TN)	Marshall
Brady (TX)	Granger	Matheson
Braley (IA)	Graves	Matsui
Bright	Grayson	McCarthy (CA)
Brown (GA)	Green, Al	McCarthy (NY)
Brown (SC)	Green, Gene	McCaul
Brown, Corrine	Griffith	McClintock
Brown-Waite,	Grijalva	McCollum
Ginny	Guthrie	McCotter
Buchanan	Gutierrez	McDermott
Burgess	Hall (NY)	McGovern
Burton (IN)	Hall (TX)	McHenry
Butterfield	Halvorson	McIntyre
Calvert	Hare	McKeon
Camp	Harman	McMorris
Campbell	Harper	Rodgers
Cao	Hastings (FL)	McNerney
Capito	Hastings (WA)	Meeks (NY)
Capps	Heinrich	Melancon
Capuano	Heller	Mica
Carnahan	Hensarling	Michaud
Carney	Herger	Miller (FL)
Carson (IN)	Herseth Sandlin	Miller (MI)
Carter	Higgins	Miller (NC)
Cassidy	Hill	Miller, Gary
Castle	Himes	Minnick
Castor (FL)	Hinchey	Mitchell
Chaffetz	Hinojosa	Mollohan
Chandler	Hirono	Moore (KS)
Childers	Hodes	Moore (WI)
Chu	Holt	Moran (KS)
Clarke	Honda	Moran (VA)
Clay	Hoyer	Murphy (CT)
Cleaver	Hunter	Murphy (NY)
Clyburn	Inglis	Murphy, Tim
Coble	Insee	Myrick
Coffman (CO)	Israel	Nadler (NY)
Cohen	Issa	Napolitano
Cole	Jackson (IL)	Neal (MA)
Conaway	Jackson Lee	Neugebauer
Connolly (VA)	(TX)	Nunes
Conyers	Jenkins	Nye
Cooper	Johnson (GA)	Oberstar
Costa	Johnson (IL)	Obey
Costello	Johnson, E.B.	Olson
Courtney	Johnson, Sam	Olver
Crenshaw	Jones	Ortiz
Crowley	Jordan (OH)	Owens
Cuellar	Kagen	Pallone
Culberson	Kanjorski	Pascarell
Cummings	Kaptur	Pastor (AZ)
Dahlkemper	Kennedy	Paul
Davis (CA)	Kildee	Paulsen
Davis (IL)	Kilpatrick (MI)	Payne
Davis (KY)	Kilroy	Pence
Davis (TN)	Kind	Perlmutter
DeFazio	King (IA)	Perriello
DeGette	King (NY)	Peters

[Roll No. 101]

Peterson	Sanchez, Loretta	Taylor
Petri	Sarbanes	Teague
Pingree (ME)	Scalise	Terry
Pitts	Schakowsky	Thompson (CA)
Platts	Schauer	Thompson (MS)
Poe (TX)	Schiff	Thompson (PA)
Polis (CO)	Schmidt	Thornberry
Pomeroy	Schock	Tiahrt
Posey	Schrader	Tiberi
Price (GA)	Schwartz	Tierney
Price (NC)	Scott (GA)	Titus
Putnam	Scott (VA)	Tonko
Quigley	Sensenbrenner	Tsongas
Radanovich	Serrano	Turner
Rahall	Sessions	Upton
Rangel	Sestak	Van Hollen
Rehberg	Shadegg	Velázquez
Reichert	Shea-Porter	Visclosky
Reyes	Sherman	Walden
Richardson	Shimkus	Walz
Rodriguez	Shuler	Wamp
Roe (TN)	Shuster	Wasserman
Rogers (KY)	Simpson	Schultz
Rogers (MI)	Sires	Waters
Rohrabacher	Skelton	Watson
Rooney	Smith (NE)	Watt
Ros-Lehtinen	Smith (NJ)	Waxman
Roskam	Smith (TX)	Weiner
Ross	Smith (WA)	Welch
Rothman (NJ)	Snyder	Westmoreland
Roybal-Allard	Souder	Whitfield
Royce	Space	Wilson (OH)
Ruppersberger	Speier	Wilson (SC)
Rush	Spratt	Wittman
Ryan (OH)	Stearns	Wolf
Ryan (WI)	Stupak	Woolsey
Salazar	Sullivan	Wu
Sanchez, Linda	Sutton	Yarmuth
T.	Tanner	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1046

The SPEAKER pro tempore. On this rollcall, 405 Members have recorded their presence.

A quorum is present.

IMPEACHING JUDGE G. THOMAS PORTEOUS, JR.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 1 hour.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include therein extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 30 minutes to my friend the distinguished ranking member, the gentleman from Texas (Mr. SMITH), and ask unanimous consent that he be allowed to control the time on his side for purposes of debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Members of the House, it is a sad day that we must find that a Federal judge has betrayed his office and should be impeached, and yet that is our task today. It is assigned to us by the Constitution to protect the institutions of

government from those who show themselves unfit to hold positions of public trust, and, of course, we take this duty very seriously.

The judge in question is G. Thomas Porteous, who has cast a long shadow on the administration of justice under his watch. Your House Judiciary Committee has completed an independent investigation conducted with thoroughness by a special task force on our committee chaired by ADAM SCHIFF, with much distinction. I also thank his co-Chair, BOB GOODLATTE, and HANK JOHNSON, the subcommittee Chair on Judiciary from which this matter arose.

Members of the House, our investigation has demonstrated that Judge Porteous has engaged in misconduct in various spheres of his public life spanning decades. His misconduct is described in detail in the report filed by our committee, which is available to any Member that wishes a copy, and our committee has subsequently voted unanimously to recommend four articles of impeachment. Our Chair of the Impeachment Task Force, ADAM SCHIFF, is going to expand on the details.

Since so many Members want time, I just want to make this opening comment: The Department of Justice and the Judicial Conference have determined that Judge Porteous had clearly committed serious misconduct in various spheres of his personal and professional life. The Judicial Conference referred the matter to the House for possible impeachment. The Fifth Circuit suspended him from sitting on the bench.

This committee, through a specially appointed task force, has thoroughly and independently investigated the facts, held detailed factual hearings relating to the judge's misconduct in connection with his relationships with lawyers, in connection with his personal bankruptcy filing, and his relationship with bail bondsmen. Additional hearings included testimony from experts on judicial ethics and on the constitutional standards that surround impeachment.

So the four separate articles before us today are laid out in detail and include a variety of offenses that we will go into shortly. The misconduct, I am sorry to say, easily satisfies the constitutional standard of being high crimes and misdemeanors, and clearly renders the judge unfit to continue service.

I bring this resolution to the floor with regret that we are called upon to take this action, but I have no doubt that we must take action. The grounds for impeachment are overwhelmingly established, and, therefore, I urge my colleagues' careful consideration in support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider and vote on four articles of impeachment against United States District Judge G. Thomas Porteous. Thanks go to Congressman SCHIFF and Congressman GOODLATTE for the way they have worked together in overseeing the Impeachment Task Force's very thorough inquiry into a number of serious allegations involving Judge Porteous. They have set an outstanding example of how an inquiry like this can in fact be conducted in a bipartisan manner.

The Constitution grants the House of Representatives the sole power to impeach a sitting Federal judge. This is a very serious power which Congress does not take lightly. Impeachment by the House constitutes one of the few checks on the judiciary and is to be used only in instances when a judge betrays his office or proves unfit to hold that position of trust. In fact, only 14 Federal judges have been impeached by the House in our entire Nation's history, with four of these occurring in the past 24 years.

After an extensive investigation and a series of hearings by the Impeachment Task Force, clear and convincing evidence has been developed involving a number of different actions by Judge Porteous that make him unfit to serve as a Federal judge. The report, which accompanies the articles of impeachment, sets forth in detail the various incidents of improper conduct by Judge Porteous.

Though judges rule on the law, they are not above the law. To preserve equality and fairness in our constitutional democracy, we must protect the integrity of the courts. It is clear that Judge Porteous' actions are a violation of the American people's trust and a threat to the integrity of the Federal bench. The American people deserve better from their Federal judges.

I also hope our vote today sends a message of encouragement to the great majority of judges who serve our Nation with distinction. We will not let a few bad actors mar the reputation of others on the Federal bench.

The time has come for the House of Representatives to conclude that Judge Porteous' conduct has made him unworthy to serve on the Federal bench.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California, ADAM SCHIFF, who was our task force chairman and who had ample time over these many months to display his legislative and judicial skills.

Mr. SCHIFF. I thank the gentleman, and want to commend the leadership of Chairman CONYERS in bringing this matter to conclusion here on the House floor and for all your leadership on the committee, Mr. Chairman.

Mr. Speaker, today we again find ourselves in the regrettable circumstance where we must act to remove a Federal judge from the bench.